



CITY PLAN COMMISSION STAFF REPORT

City of Kansas City, Missouri
City Planning & Development Department
www.kcmo.gov/cpc

September 6, 2022

Project Name

Accessory Dwelling Units

Docket #1**Request**

CD-CPC-2022-00131
Text Amendment

Applicant

Mayor Lucas, Sponsor
Councilmember Bunch, Sponsor
Councilmember Bough, Sponsor
Councilmember Parks-Shaw, Sponsor
Councilmember Robinson, Sponsor

APPROVAL PROCESS**PROJECT TIMELINE**

Ordinance No. 220698 was introduced by the sponsors on August 11, 2022 and referred to the Neighborhood, Planning and Development Committee. On August 17, 2022 the Committee held the ordinance to September 14, 2022 in order to allow City Plan Commission consideration of the amendment.

NEIGHBORHOOD AND CIVIC ORGANIZATIONS NOTIFIED

Because text amendments apply citywide individual neighborhood and civic organizations are not notified.

REQUIRED PUBLIC ENGAGEMENT

Public engagement as required by 88-505-12 does not apply to text amendments since they apply citywide; however the Mayor's Office staff consulted with LivableKC in developing the proposed ordinance and a citywide survey was conducted (see attached).

EXISTING CONDITIONS

The zoning and development code does not permit accessory dwelling units. It does allow residential occupancy in carriage houses, but carriage houses are a specific type of accessory building that is extremely rare and new carriage houses are not permitted.

SUMMARY OF REQUEST + KEY POINTS

The sponsors seek to amend the zoning and development code to both define accessory dwelling units and allow them by-right subject to certain use standards.

CONTROLLING + RELATED CASES

None.

PROFESSIONAL STAFF RECOMMENDATION

Docket #1 - Approval

PROPOSED AMENDMENT

The proposed amendment defines Accessory Dwelling Units (ADUs) as “a secondary dwelling on the same lot as a principal dwelling unit...which may be occupied by an independent household from that occupying the principal dwelling unit.” Like any building, residential building types are either principal or accessory. A principal building houses the principal use of the property, whereas an accessory building houses any use which is considered customarily associated to the principal use. For example, a detached garage is a common accessory building type associated to a principal residential unit. While the current ordinance allows accessory buildings in association with a principal residential unit, it does not permit them to be used for a residence. Furthermore, the current ordinance allows one principal residential unit per lot in Districts R-6, R-7.5, R-10, and R-80. Two units, in an attached form, (i.e. a duplex) are allowed in the remainder of the residential districts; however only 33% of the residentially-zoned area of the city allows duplexes. Finally, even where two or more principal residential units are allowed on a lot, they are limited by the density maximums and frequently cannot be built due to these regulations.

The proposed amendment is summarized as follows:

1. ADUs would be permitted, by-right, on any lot in the city with a detached house, also referred to in the ordinance as the principal dwelling unit.
2. One of the two units must be owner occupied.
3. The two units may be attached or detached.

OTHER CONSIDERATIONS

Staff has evaluated the proposed ordinance against the following ordinances to identify any conflicts between the two.

Short Term Rentals

The short term rental ordinance prohibits use of accessory buildings for short term rentals (except carriage houses), therefore ADUs would not be permitted to be used as short term rentals unless and until the short term rental ordinance is amended.

Lodgers/Lodging

The zoning and development code permits, as an accessory use, a lodger in any principal residential dwelling. The code requires the lodger to dwell in common with the household occupying the principal residential dwelling, therefore ADUs could not be used for lodgers. They are intended to be used for separate households, though there is no restriction on whether household members are related (or not) to members of the household in the principal residential dwelling.

Infill Residential Development Standards

These standards are currently under development; however, they will apply only to principal residential buildings, not accessory ones, such as those housing ADUs. As currently proposed the standards may impose a maximum impervious surface coverage; however, staff has evaluated the ADU ordinance against that provision and sees no conflict given the limitations on floor area imposed by the proposed ADU ordinance.

Building Code

Nothing in the zoning and development code, including this ordinance, releases or waives any requirement of building code. Building code requires fire-rated construction when buildings are within 10 feet of another building, or five feet of a property line. This provision would apply, as it does with any building, to ADUs. An ADU attached to the principal residential dwelling would be considered a duplex under the building code.

Existing ADUs

There are many accessory buildings constructed as ADUs and used for that purpose historically, or constructed more recently and used only to house family members in a noncommercial arrangement (i.e. without rent). Most of these do not meet the qualifications of a carriage house, and as a result have been rendered unusable for residential occupancy. The proposed ordinance would permit the reuse of these structures so long as the owner demonstrated their compliance with building code and a new certificate of occupancy is obtained. This will ensure the building is brought up to current building code and life/safety standards.

STAFF ANALYSIS

Zoning and Development Code Text Amendments (88-510-07)

In reviewing and making decisions on zoning and development code text amendments, the City Planning and Development Director, City Plan Commission, and City Council must consider at least the following factors:

A. Whether the proposed zoning and development Code text amendment corrects an error or inconsistency in the Zoning and Development Code or meets the challenge of a changing condition;

The proposed amendment meets the challenge of several changing conditions, as noted below.

- The composition of households has changed considerably over the past several decades. (See Attachment 1, Figure 1)*
- The number of single-person households has increased considerably over the same time period. (See Attachment 1, Figure 2)*
- Households have gotten smaller over a similar time period. (See Attachment 1, Figure 3)*

*The combination of these trends creates a continuous need for the creation of new housing stock, even if the population of a community **is not** increasing. In the case of communities with increasing population, that demand is even higher. While Kansas City has responded by providing more new housing over the same time period, the majority has been single-family dwellings and this particular type of housing is unattainable for many households, and arguably, unsuitable for many new households as these tend to be smaller (one or two people instead of a large family). Stimulating the creation of accessory dwelling units does two things: 1) creates new housing stock of a size and type that responds to the actual need of many households, and 2) creates a revenue stream for the property owner which may allow them to continue to afford the principal residential unit, reinvest in it, build wealth, and stay in their home as its value increases. Furthermore, it does these things with minimum impact on neighborhoods relative to the impact of large apartment buildings, which is the current method of providing new housing stock for smaller households, and in the case of projects such as these, the wealth generated goes to that property owner who is not a homeowner or necessarily a citizen of Kansas City. It is important for Kansas City to continuously seek ways to accommodate creation of new housing stock and maintenance of existing stock (in all dimensions: type (apartment, house, ADU, etc.), size, relative affordability, etc.) so that we do not find ourselves in the same situation as other major cities do today.*

B. Whether the proposed zoning and development code text amendment is consistent with adopted plans and the stated purpose of this Zoning and Development Code; and

The City's comprehensive plans encourage housing choice, reinvestment, and infill development. The proposed ordinance is a step in the direction of all three. The plans also encourage compatible development. Relative to large scale projects – the current method of providing new housing stock – accessory dwelling units are quite compatible with existing neighborhoods.

C. Whether the proposed zoning and development code text amendment is in the best interests of the City as a whole.

The proposed amendment applies citywide and would permit anyone with a principal residential unit to invest in their property by creating an accessory dwelling unit. It does not take away the ability to create other types of housing and likely will not substantially reduce the demand for other types, therefore it is not expected to significantly alter development patterns across the city. It simply creates another option where the value added is allocated to the property owner. It is for this reason that staff recommends owner occupancy of one of the two units on a property. It is in the best interests of the city as a whole.

ATTACHMENTS

1. Figures representing changing composition and size of households.
2. Citizen Survey
3. Proposed Ordinance as Introduced
4. Written Testimony provided prior to 9/1/22

PROFESSIONAL STAFF RECOMMENDATION

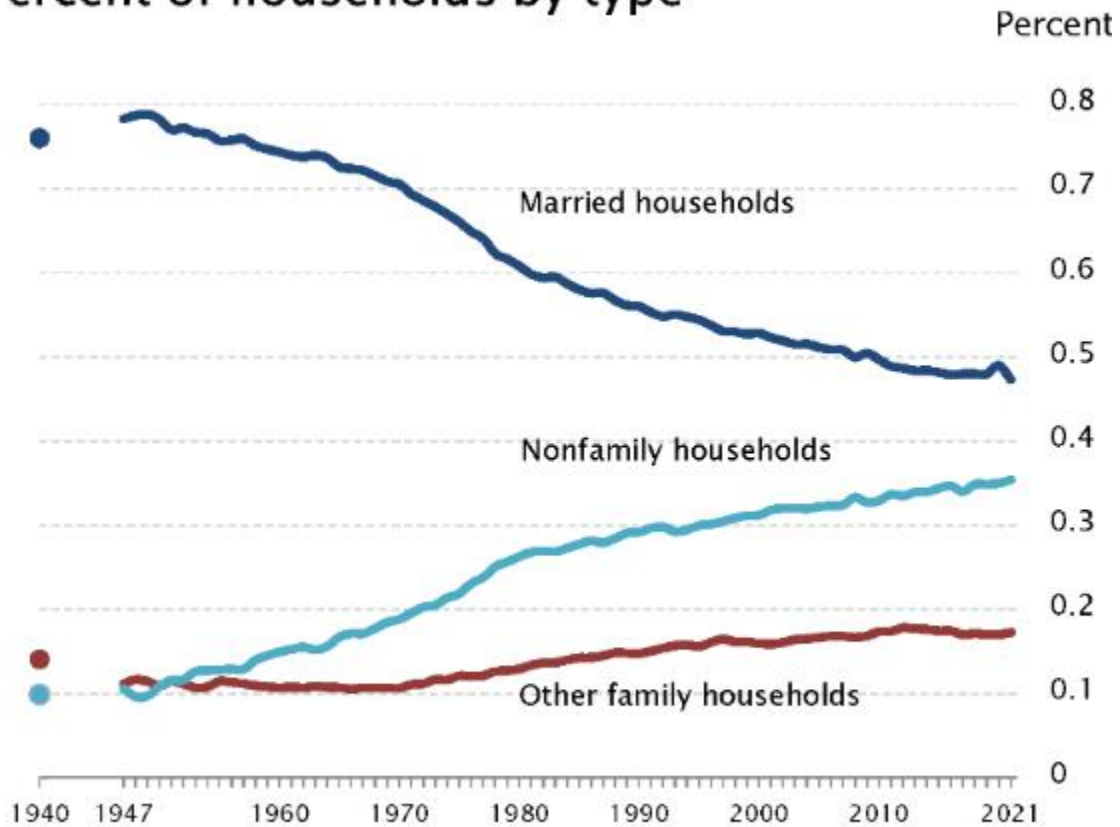
City staff **RECOMMENDS APPROVAL**

Respectfully Submitted,

Joseph Rexwinkle
Planning Manager

Attachment 1 – Figures and Data

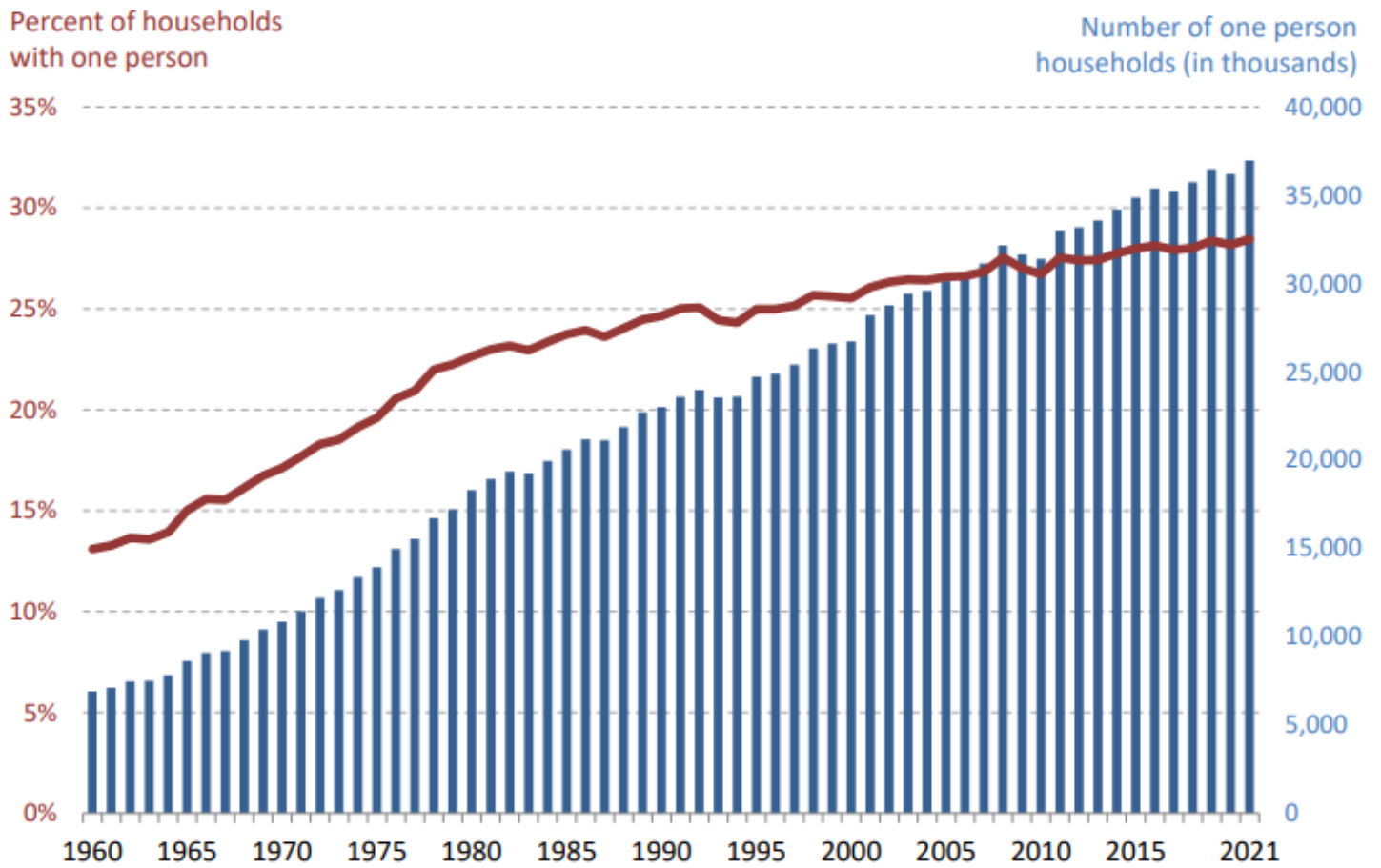
Percent of households by type



Source: U.S. Census Bureau, Decennial Census, 1940, and Current Population Survey, Annual Social and Economic Supplements, 1947 to 2021.

Figure 1

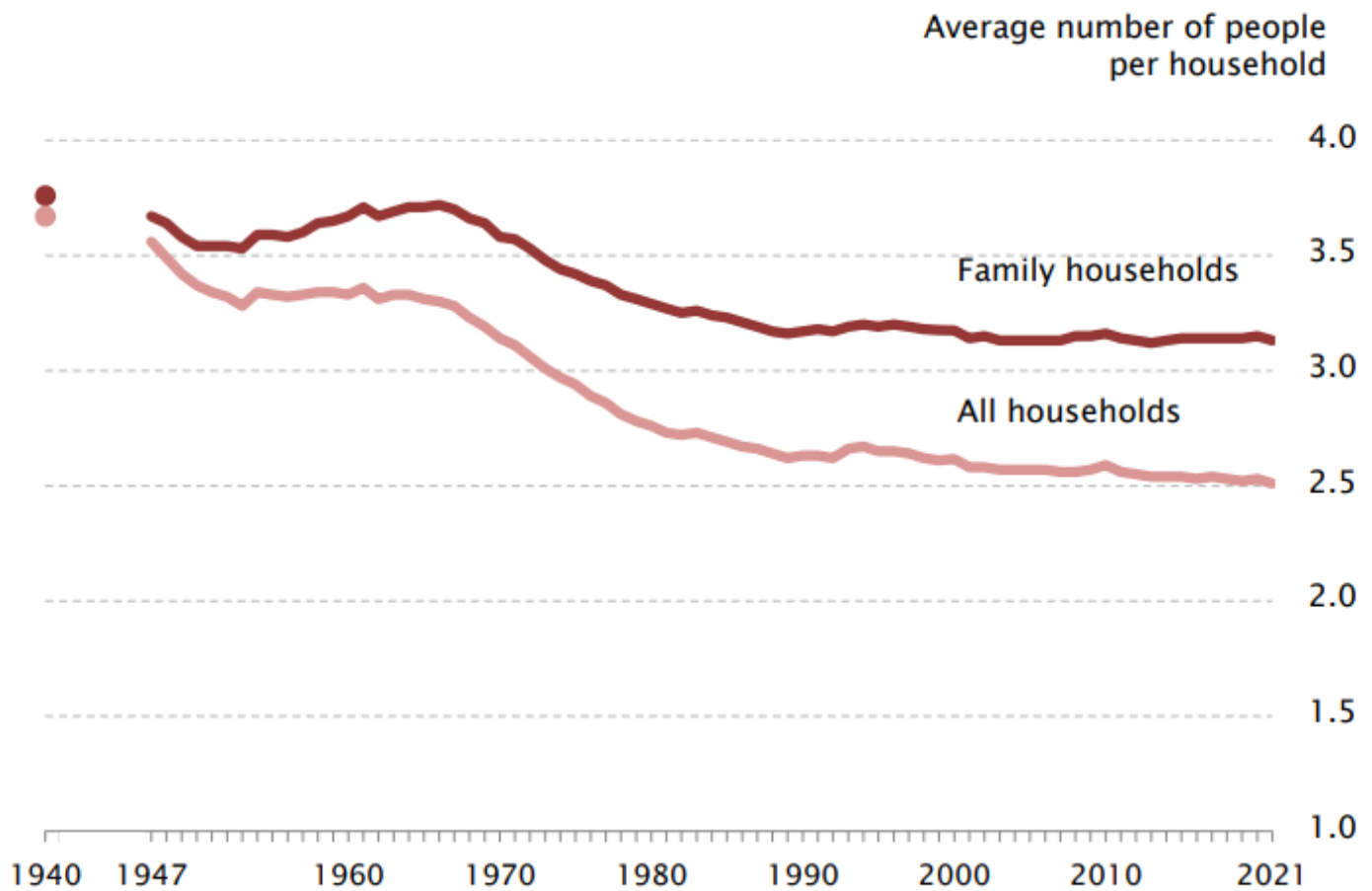
The rise of living alone



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplements, 1960 to 2021.

Figure 2

Changes in household size



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplements, 1940 and 1947 to 2021.

Figure 3

Attachment 2

Community Pulse Survey: Accessory Dwelling Units (ADUs)

Administered via SurveyMonkey

April 11 – May 15, 2022

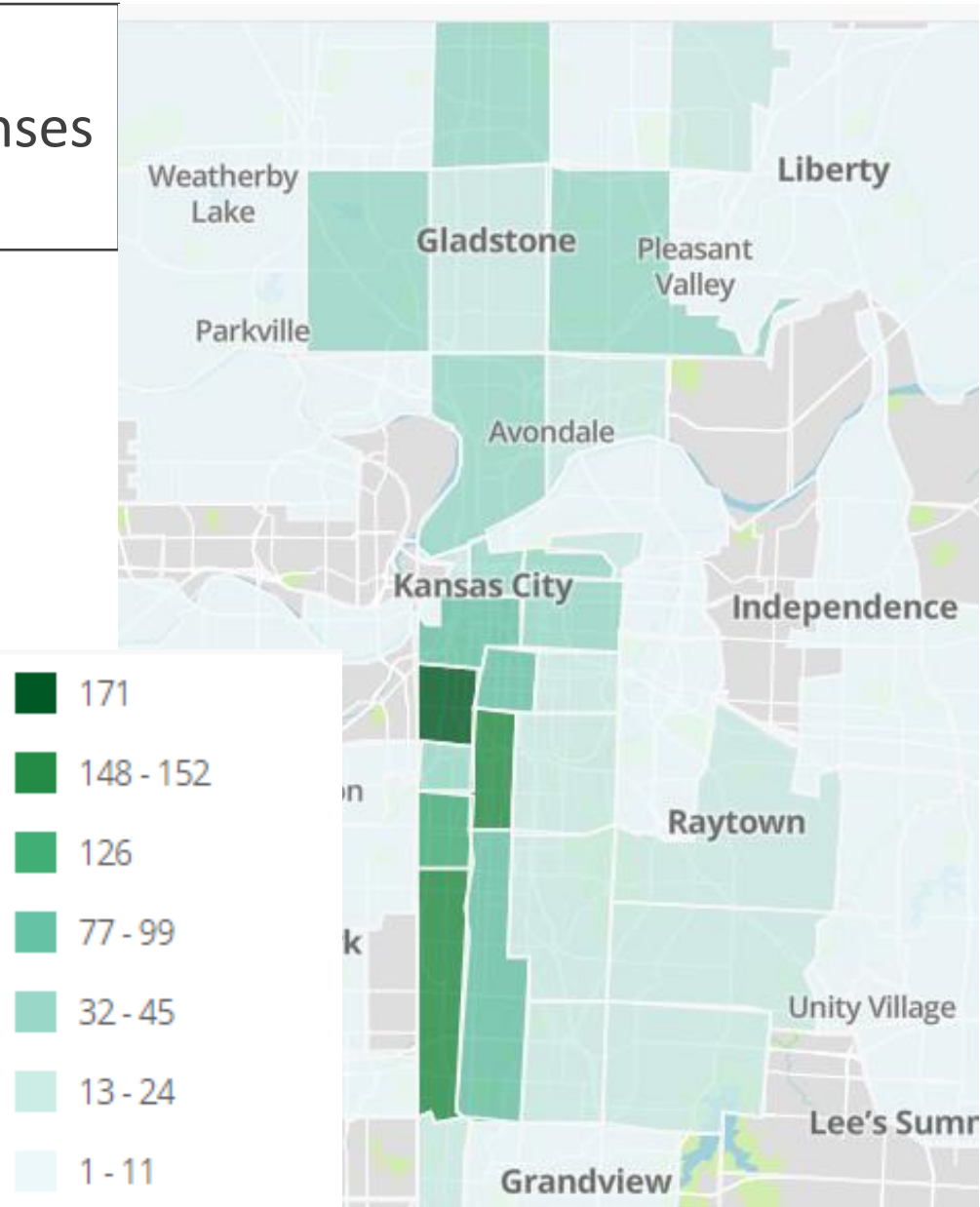
ADU Pulse Survey Overview



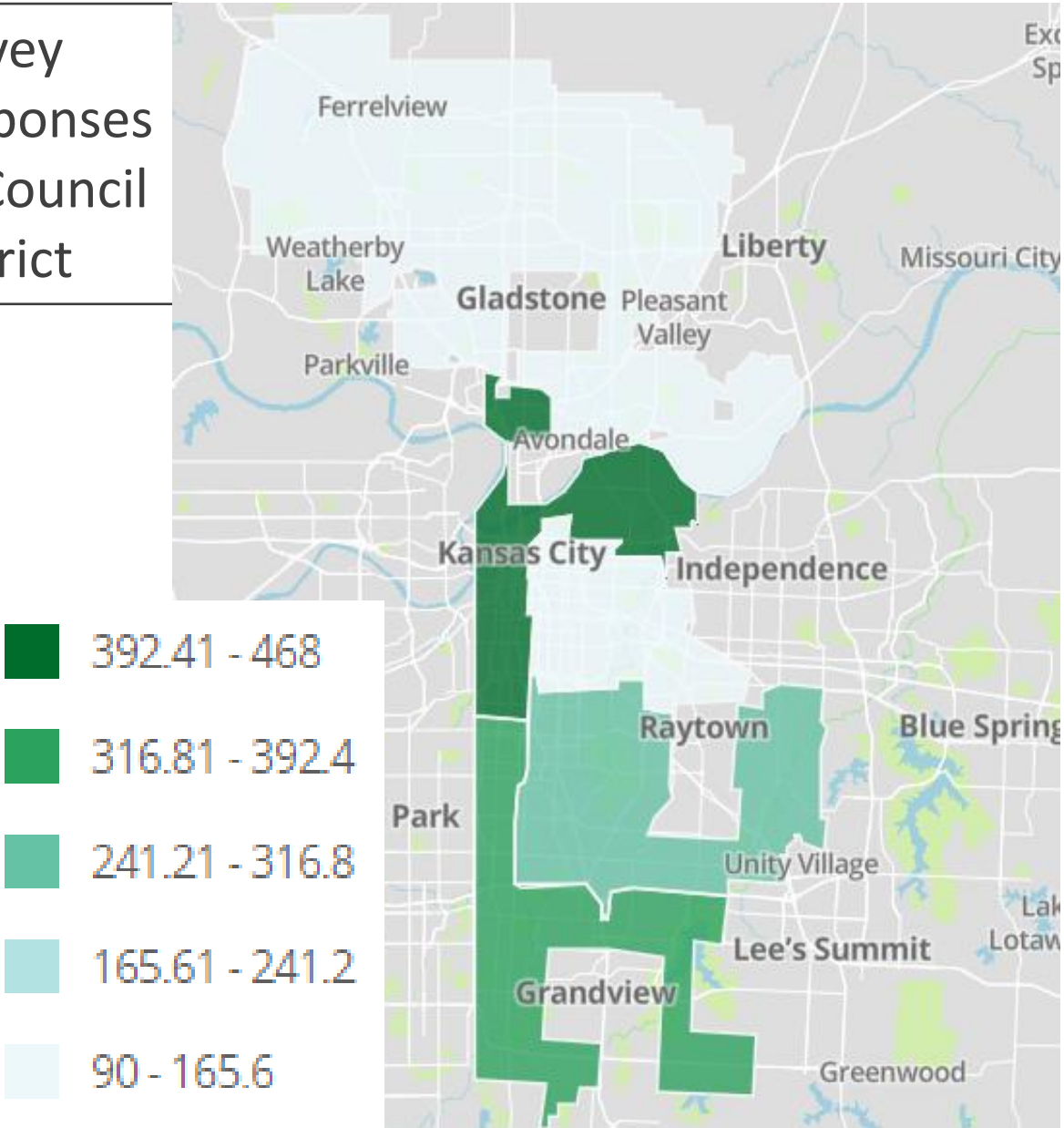
- Feedback Areas:
 - Overall support of ADUs in KCMO
 - Interest in creating own ADU and/or residing in ADU
 - Means of easing access to creating ADU
- Timeframe: April – May 2022
- Responses: 1,752

Geography of Survey Participants

Survey Responses by ZIP

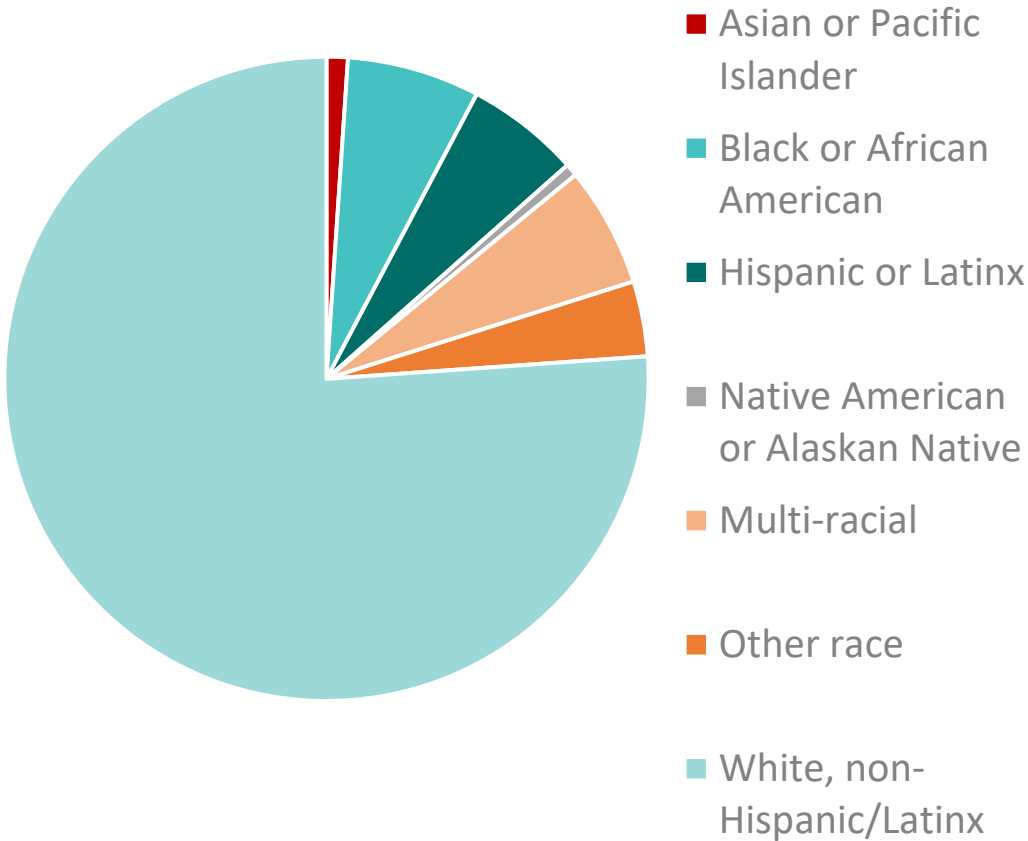


Survey Responses by Council District

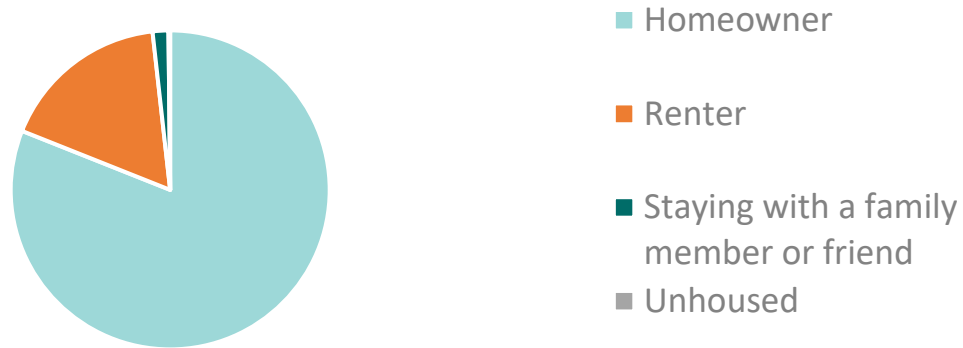


Demographics of Survey Participants

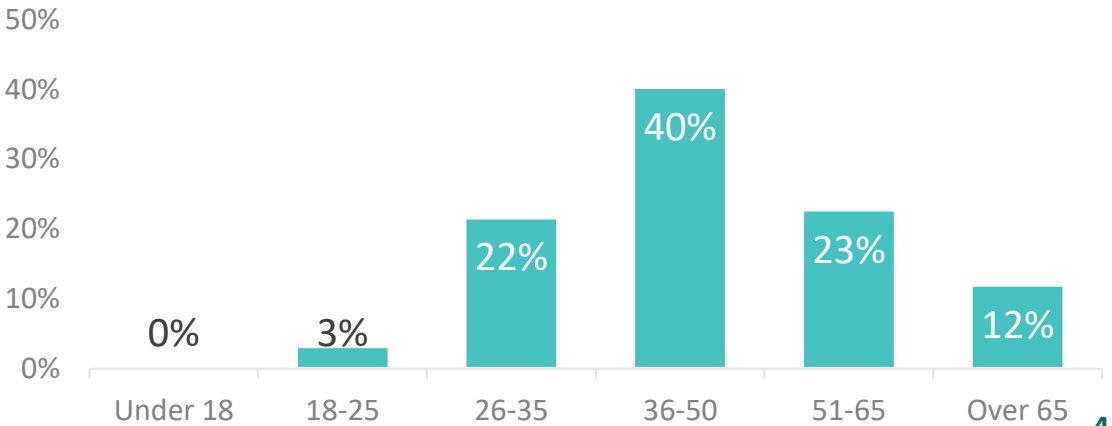
White, non-Hispanic residents were overrepresented in the survey responses



Respondents were largely homeowners, with some other housing statuses present



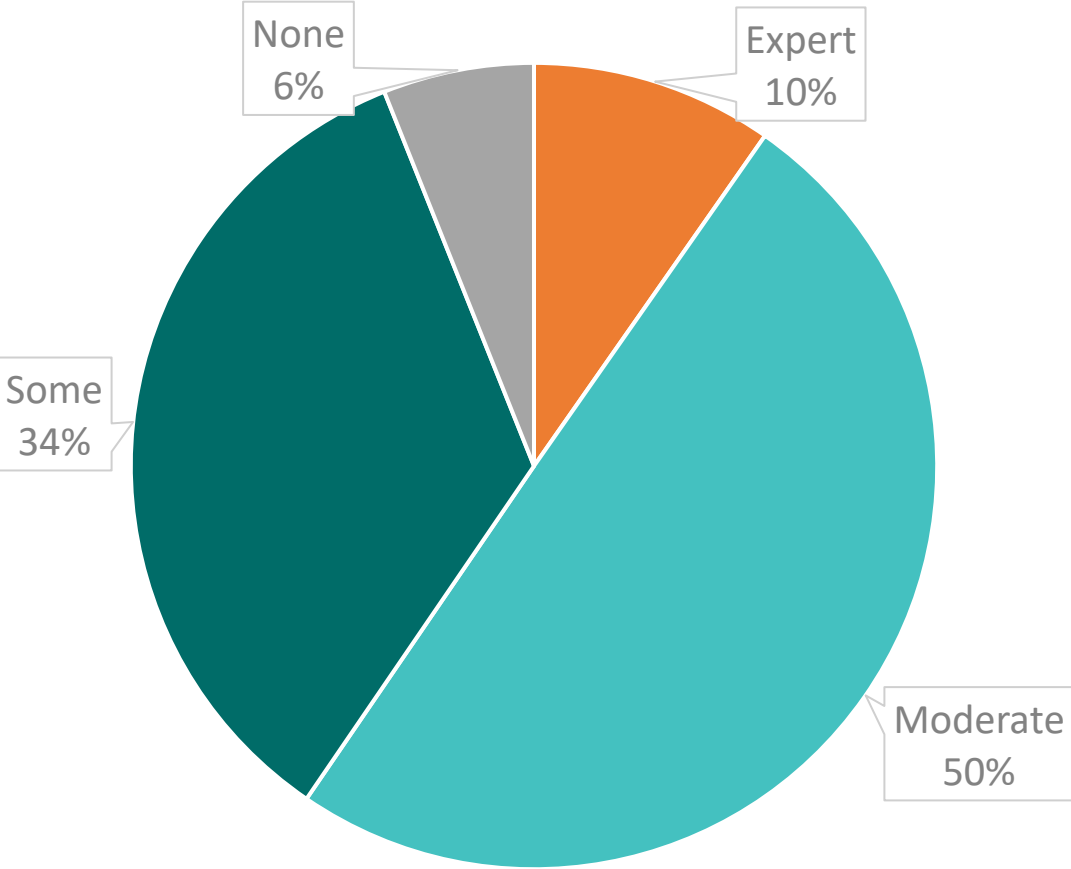
Age distribution was closest to city demographics



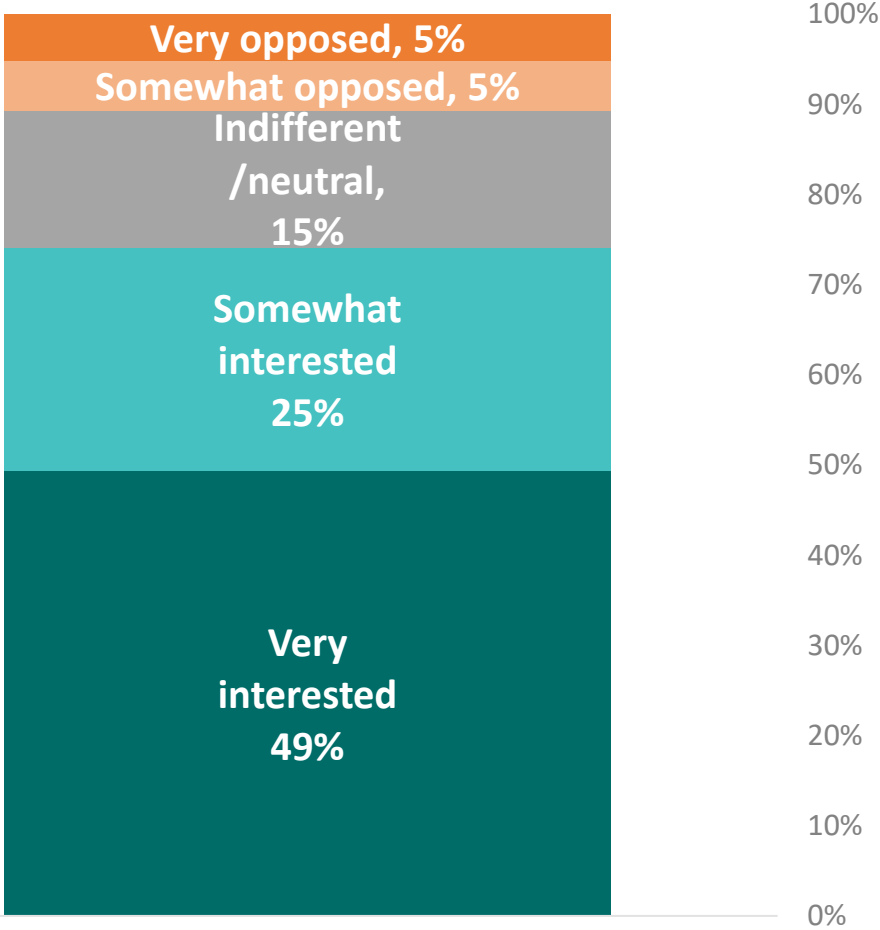
General understanding and support of ADUs was high in survey responses



Level of Understanding of ADUs



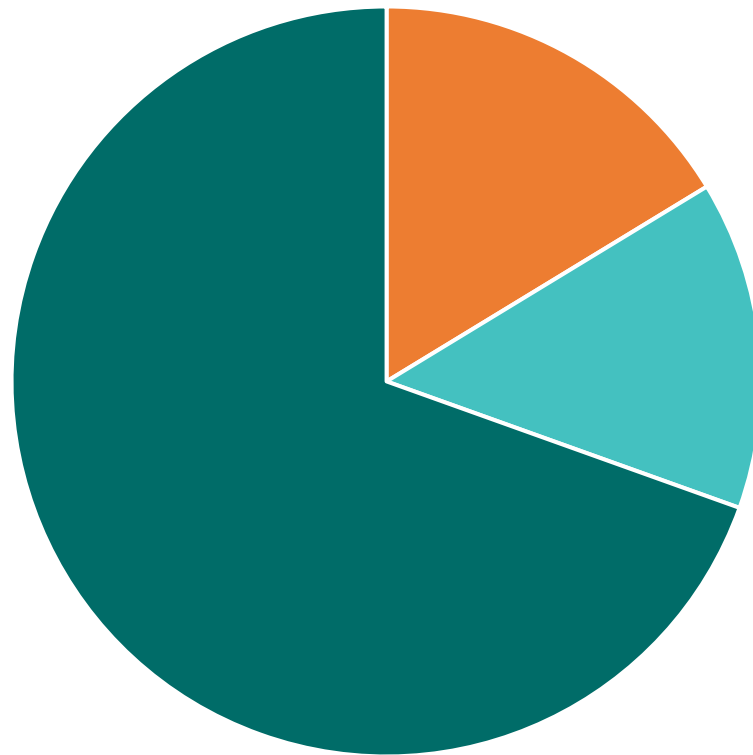
Most people are interested in seeing more ADUs in KCMO



Significant interest in building an ADU with easy permitting being the top means to achievement

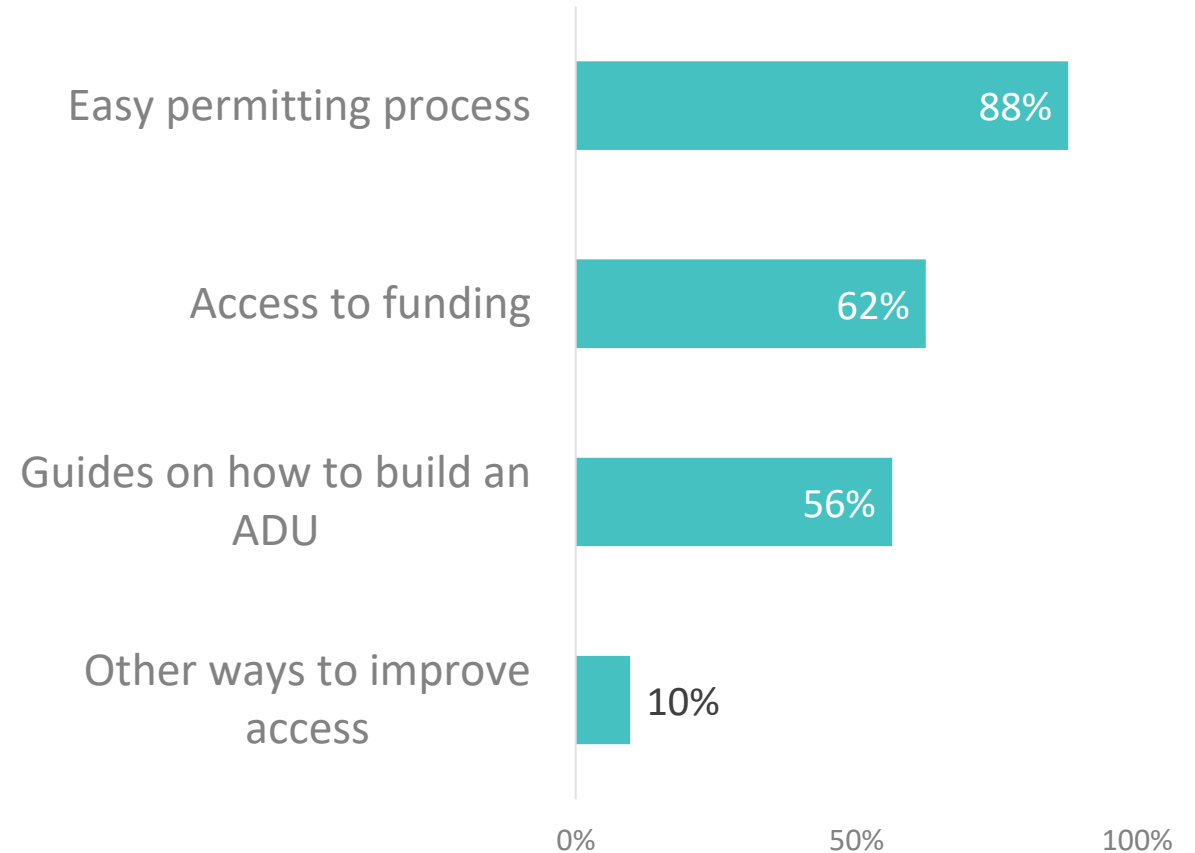


If you had space to create an ADU within your home or on your property, would you consider doing that?



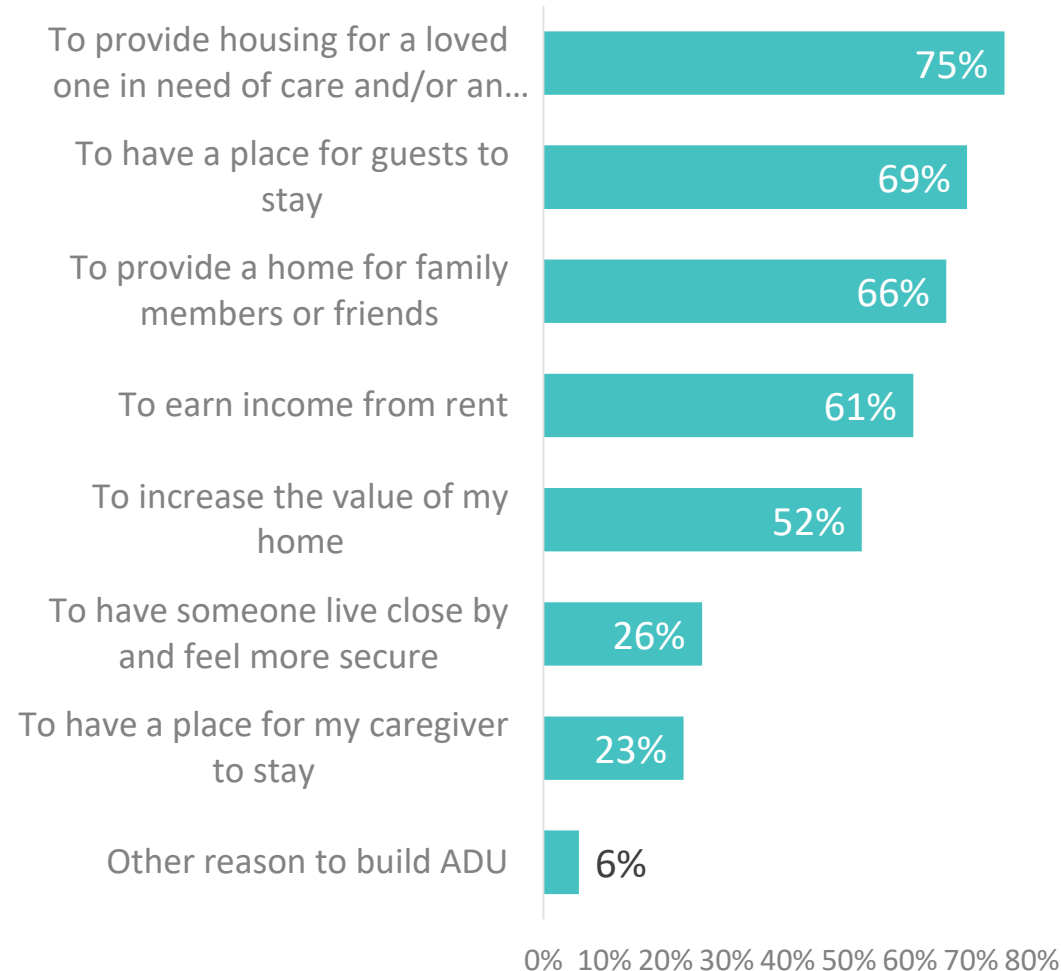
■ No ■ Unsure ■ Yes

What would make the process of building, owning, and operating an ADU more accessible to you?

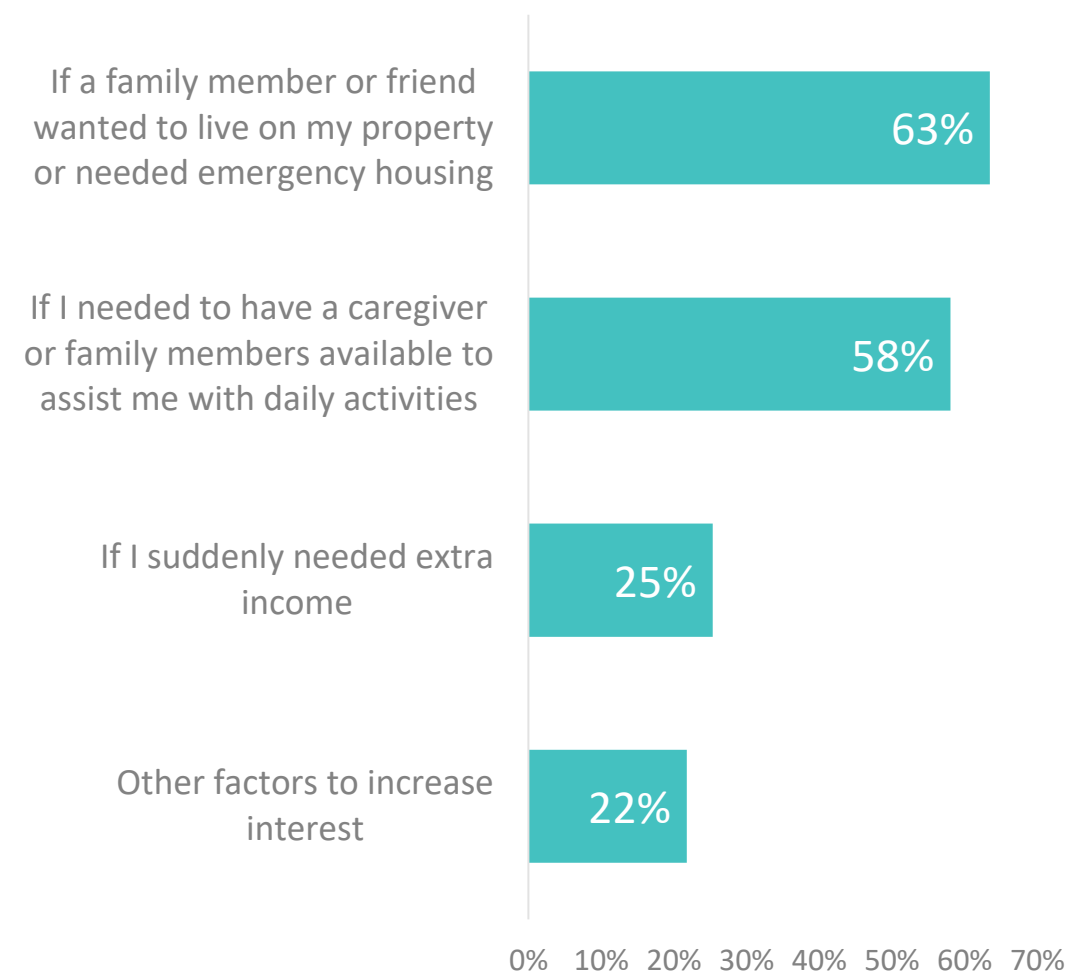


Reasons for ADU existing interest varies but causes of potential interest are specific

What are the reasons you would be interested in building an ADU?

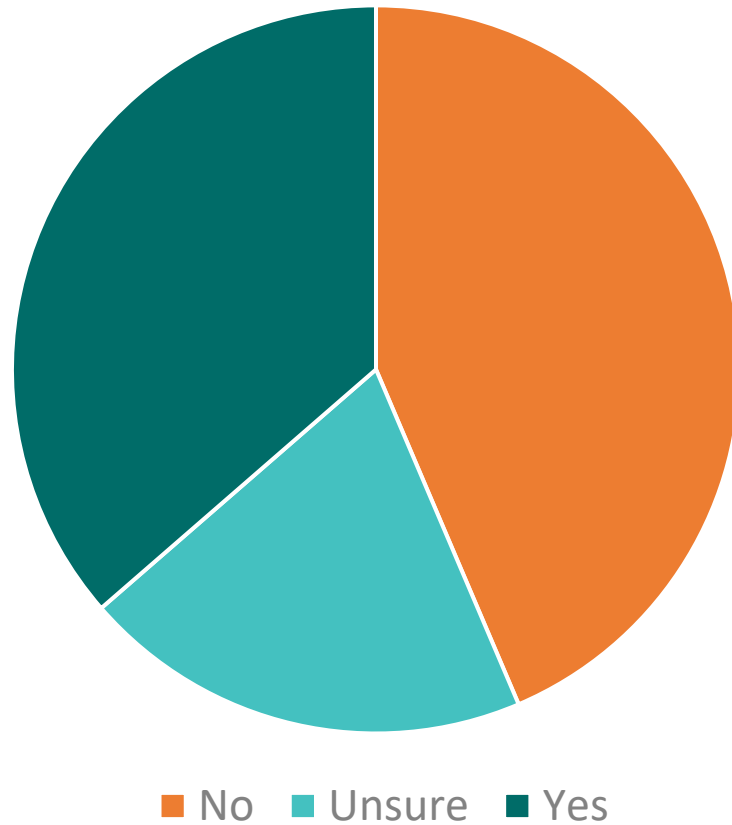


What factors might make you more interested in having an ADU?

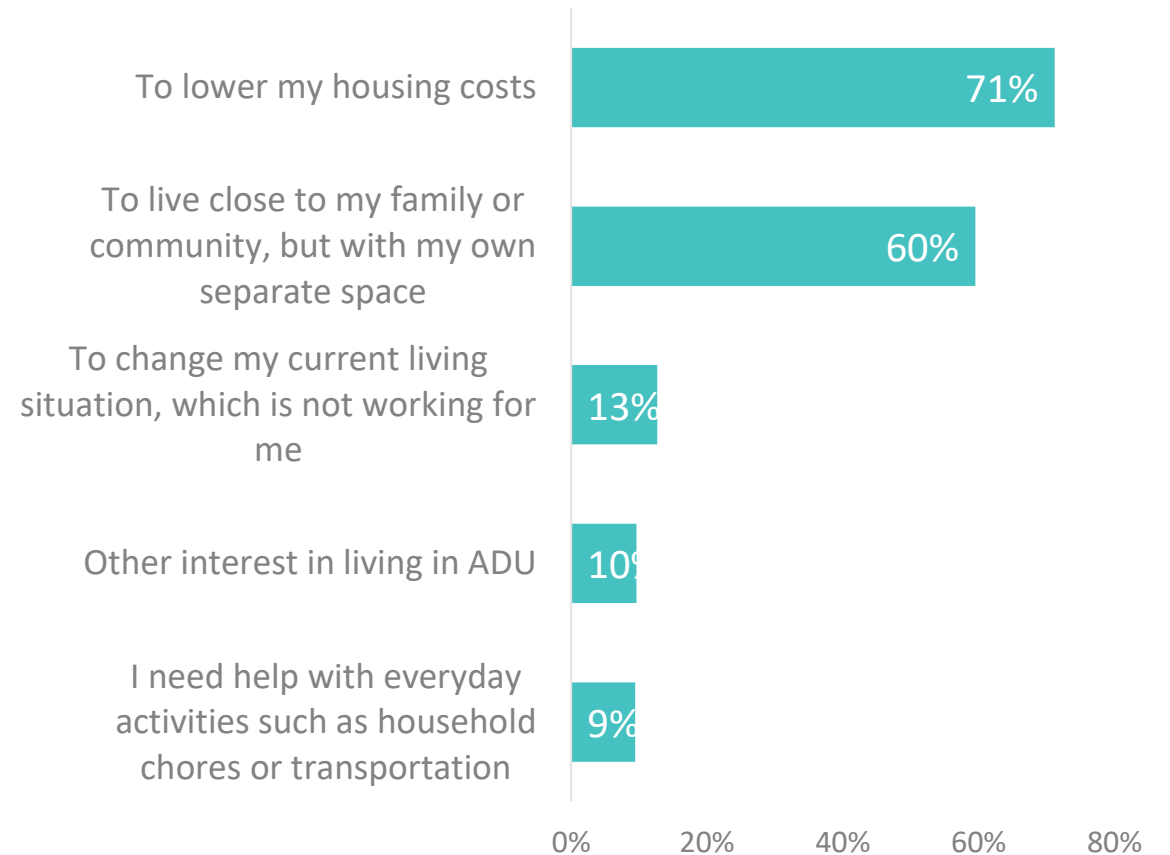


Interest in living in an ADU is split but reasons are concentrated

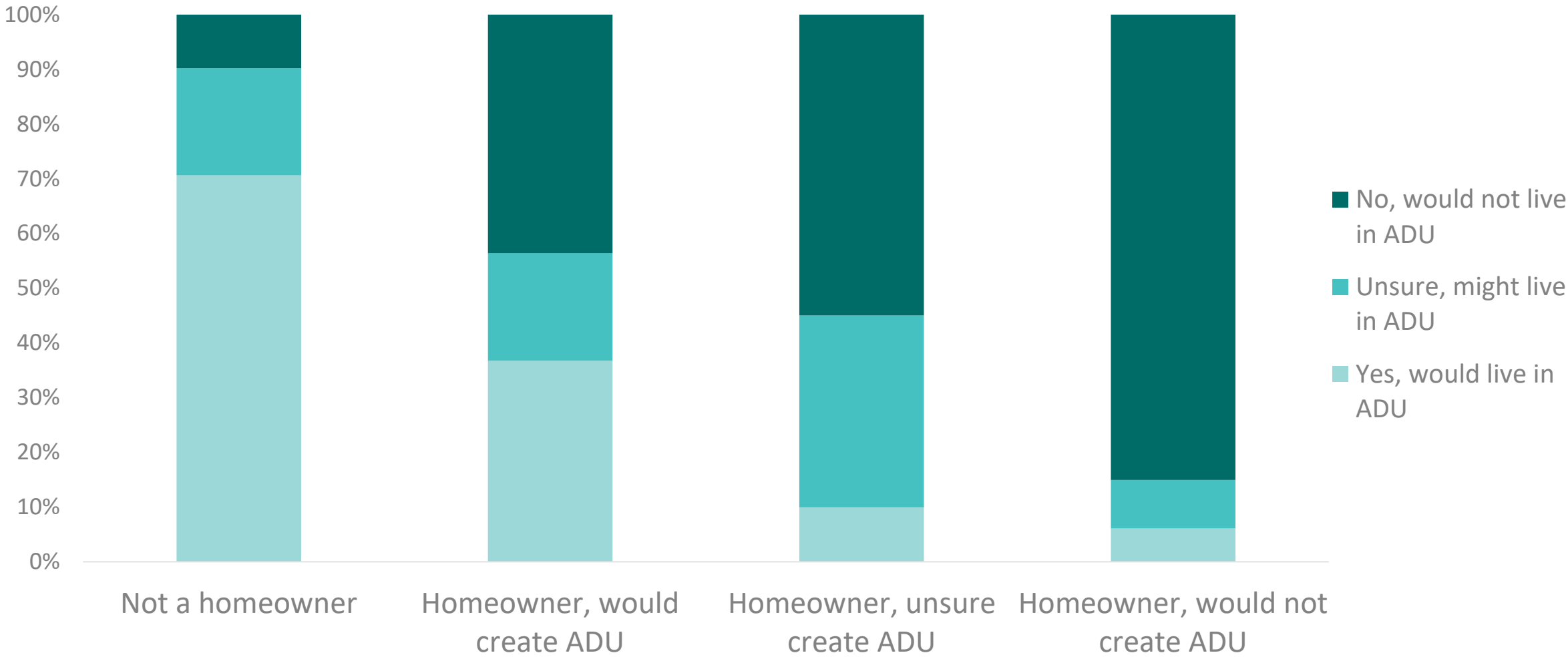
Would you consider living in an ADU in the next few years if one were available?



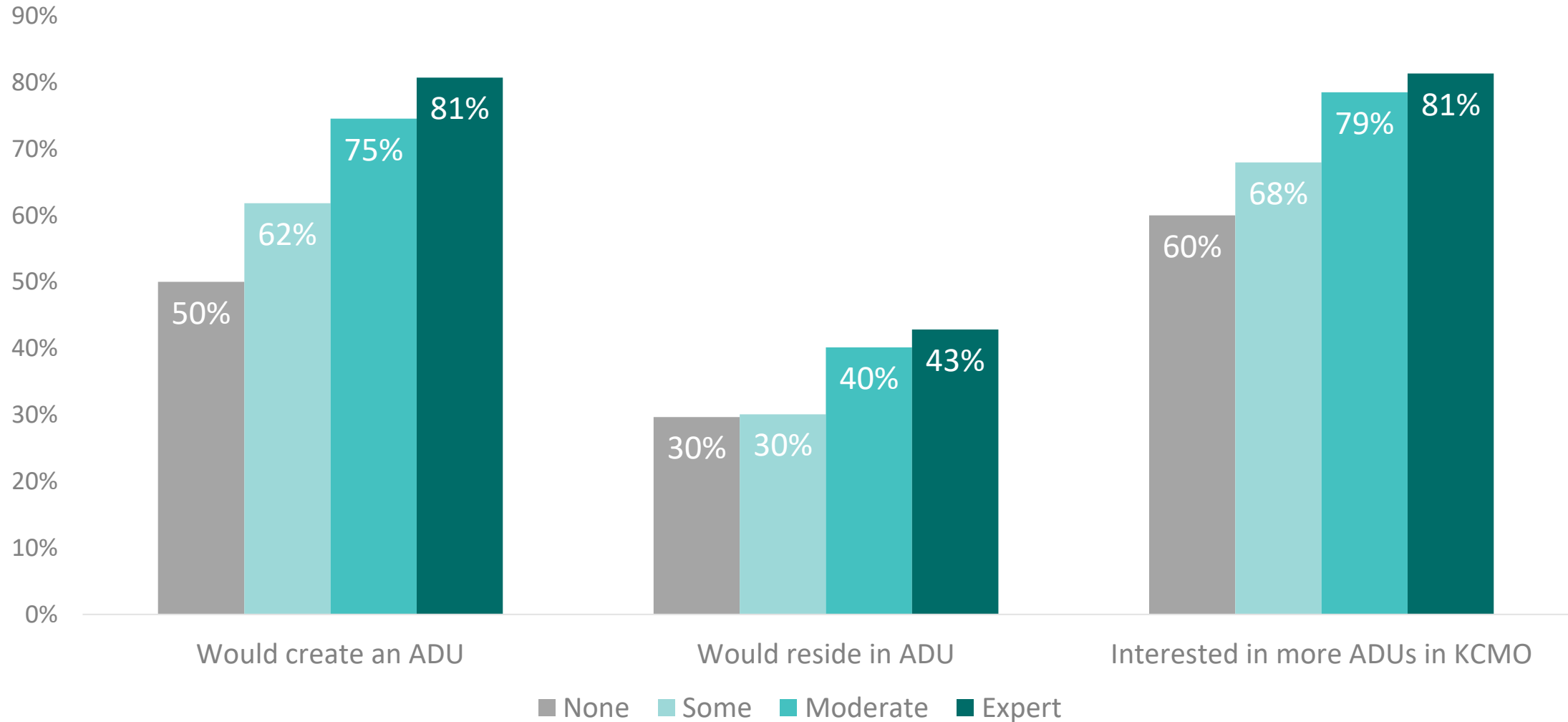
What are the reasons you are interested in living in an ADU?



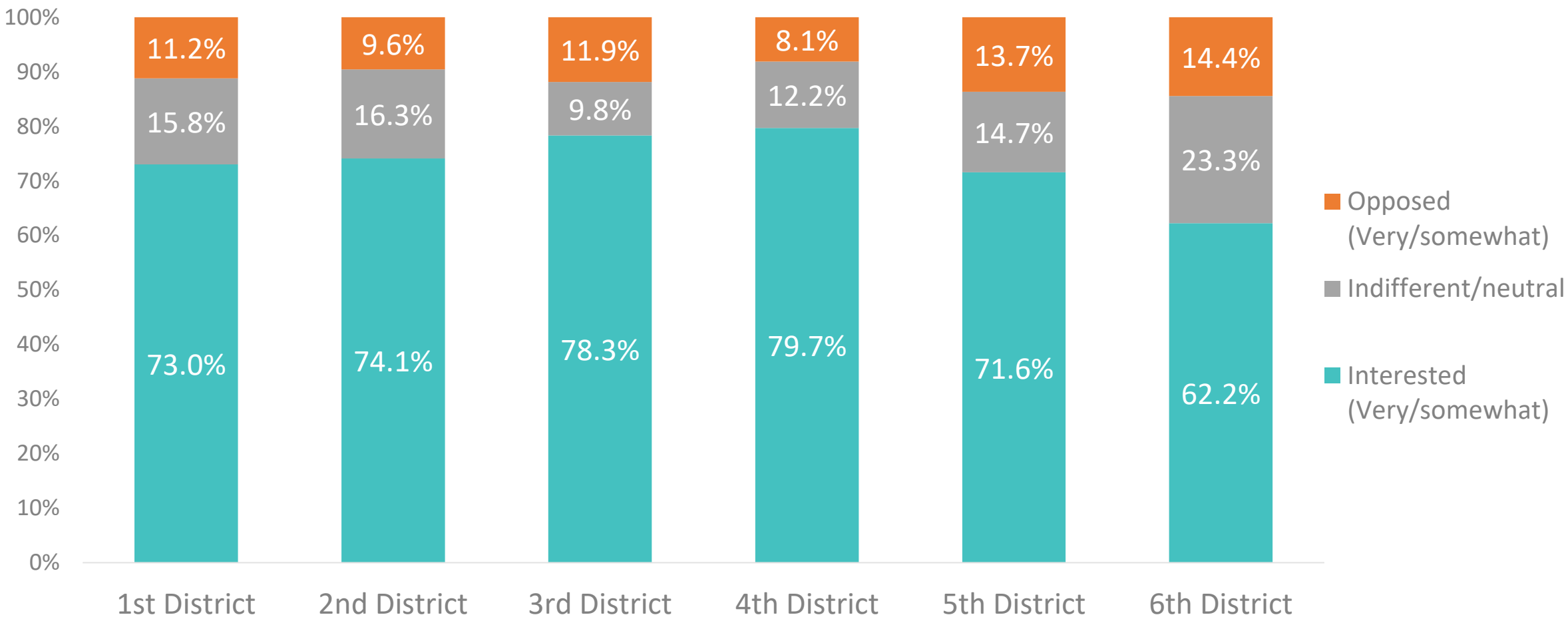
Strong correlation between housing status, desire to build an ADU, and willingness to reside in an ADU



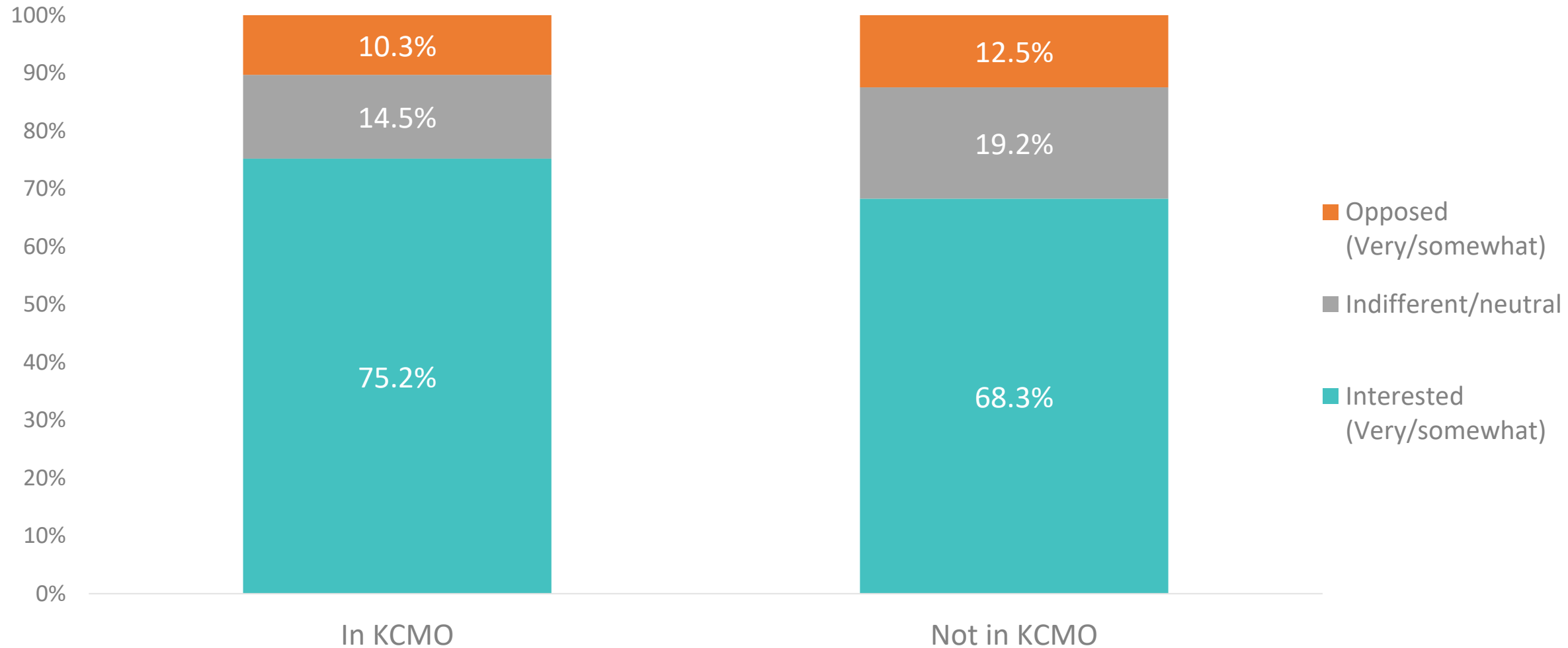
Increased level of understanding of ADUs has significant impact on other pro-ADU opinions



No statistically significant differences in interest by district, but lack of representation could be factor



No statistically significant differences in interest by in/out of city limits



ADU Pulse Survey Key Takeaways

- Overall sentiment is positive toward ADUs
 - Reminder: not a statistically valid survey
 - However, only 10% of respondents were opposed to seeing more ADUs in Kansas City
- Demand to build ADUs is widespread, but demand to reside in an ADU is more concentrated
 - Most respondents would build ADUs for others to live in on their property, such as family/friend or caregiver
 - Younger respondents and some renters were the groups most likely to live in an ADU themselves
- Strong correlation between knowledge around ADUs and overall support highlights potential education gains

Attachment 3

ORDINANCE NO. 220698

..title

Amending Chapter 88, Zoning and Development Code, by enacting new sections to be known as Sections 88-305-15, Accessory Dwelling Units, and 88-810-005, Accessory Dwelling Unit, for the purpose of establishing regulations for accessory dwelling units to provide housing choice while preserving the character of neighborhoods.

..body

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, Code of Ordinances, is hereby amended by enacting new sections to be known as Section 88-305-15, Accessory Dwelling Units; and Section 88-810-005, Accessory Dwelling Unit; with said new sections to read as follows:

88-305-15 – ACCESSORY DWELLING UNITS

88-305-15-A. PURPOSE

Accessory dwelling units are a household living use that is accessory to and located on the same lot as the permitted principal use. The purpose of this section is to:

1. Meet the changing needs of the community;
2. Provide housing choice while preserving the character of the neighborhood in which it is located;
3. Respond to the changing economy and the necessity for many households to secure additional income; and
4. Reduce the cost of housing by increasing housing density and doing so in a manner:
 - a. that may be more compatible with neighborhoods where detached dwellings predominate; and
 - b. where the benefits of additional income are distributed throughout the community to the individual landowners and renters.

88-305-15-B. WHERE PERMITTED

Accessory dwelling units are permitted on any lot with a detached dwelling where the dwelling is the principal building, subject to certain standards.

88-305-15-C. GENERAL STANDARDS

1. Accessory dwelling units may be attached or detached from the principal dwelling unit. If attached they shall be located in the rear or side yard. If detached they shall be located in the rear yard.

2. The owner of the lot shall reside in either the principal dwelling or accessory dwelling. The owner shall record against the property a deed restriction limiting occupancy of either the principal dwelling unit or the accessory dwelling unit to the owner of the property. Proof that such a restriction has been recorded shall be provided to the Director of City Planning and Development prior to issuance of the Certificate of Occupancy for the accessory dwelling unit.
3. No additional off-street parking is required. Any proposed parking shall conform to 88-420.
4. Detached accessory dwelling units may be located in the same building as a garage.
5. When attached, the accessory dwelling unit may have its own exterior entrance or shared entrance with a common vestibule.
6. If attached to the principal dwelling, the lot and building standards for the principal building shall apply.
7. If detached from the principal dwelling, it shall be located in the rear yard, the lot and building standards shall be as follows:
 - a. Setbacks shall be five feet from all property lines including projections; except on street side yards where it shall be five feet including projections or the same as the principal building, whichever is greater.
 - b. Maximum building footprint: 60% of the footprint of the principal dwelling or 25% of the rear yard, whichever is smaller. In no case shall the footprint exceed 800 square feet.
 - c. Maximum floor area: 800 square feet or 90% of the floor area of the principal dwelling, whichever is smaller.
 - d. All other setbacks shall be those that apply to all accessory structures.
8. Exterior stairs to provide access to an upper level accessory dwelling unit are allowed only on sides of the building facing the interior of the lot.
9. If an accessory dwelling unit was legally permitted prior to the passage date of this ordinance and the owner can provide documentary evidence to the satisfaction of the director of city planning and development of such use, the use may continue upon obtaining a new certificate of occupancy.

88-810-005 – ACCESSORY DWELLING UNIT

A secondary dwelling unit on the same lot as a principal dwelling unit. The accessory dwelling unit may be occupied by an independent household from that occupying the principal dwelling unit.

Section 2. That the Council finds and declares that before taking any action on the proposed amendment hereinabove, all public notices and hearing required by law have been given and had.

..end

I hereby certify that as required by Chapter 88, Code of Ordinances, the foregoing ordinance was duly advertised and public hearings were held.

Joseph Rexwinkle
Secretary, City Plan Commission

Approved as to for and legality:

Sarah Baxter
Senior Associate City Attorney

Attachment 4

Rexwinkle, Joseph

From: SHARON PENDLETON <sharon.pendleton@sbcglobal.net>
Sent: Thursday, September 1, 2022 10:49 AM
To: Public Engagement; Rexwinkle, Joseph; anne johnston; ALEX KISH; amrita burdick; cindy dill
Subject: Fw: Objection to schedule of ADU ord.

Please see following statement from **Neighbors Opposed to STRs**, regarding case number **CD-CPC-2022-00131**.

Neighbors Opposed to Short-Term-Rentals (aka NO-STRs) are in full support of the following statement of Mary Jo Draper, V.P. of Historic K.C. Please reschedule the September 6th hearing to some future date, following resolution of all concerns relating to the Short-Term-Rental Ordinance now being audited by City Auditor.

Dear Short-term Rental Group,

As we discussed on the call yesterday, Historic Kansas City has researched the proposed ADU (Accessory Dwelling Unit) ordinance set to be heard by the Plan Commission on September 6th, at 9 AM at City Hall, 26th Floor, or online via zoom.

However, we have a concern that the proposal is moving ahead without many neighborhoods having a chance for input or help to shape it. Given the level of concern on yesterday's call about short-term rentals, we have concerns that allowing ADUS across the city could lead to an increase in the problems short-term rentals are already causing.

We are neither for or against ADUS, but we think the city should slow down the process and allow more time to think through how to make sure they benefit the people they are meant to benefit without causing any damage to our neighborhoods.

If you agree, send an email as soon as possible to publicengagement@kcmo.org and to the City Planner at Joseph Rexwinkle at joseph.rexwinkle@kcmo.org. The subject of your email should include the case number CD-CPC-2022-00131.

Mary Jo Draper
HKC Vice President



August 30, 2022

Re: Ordinance 220698
ADU (Accessory Dwelling Unit)

To Members of the City Plan Commission:

Historic Kansas City has reviewed the proposed Accessory Dwelling Unit ordinance which is before you and we would ask that this important change to city regulations be tabled so that there can be further discussion about how to create an ordinance that will effectively achieve its goals.

We understand and agree with some of the stated goals of this proposal, such as allowing senior citizens to stay near family as they age, allowing homeowners to generate extra income, and allowing local governments to receive additional tax revenue. Our concern is that, while there may be benefits for individual homeowners, the city has not allowed time to study the impact on neighborhoods, included language related to historic neighborhoods, or asked for input from the public.

Historic Kansas City has not taken a position on the ADU ordinance, but we believe that it is moving too quickly without the opportunity for input and that there are several concerns that should be addressed. These include:

1. The current draft ordinance's purpose is defined as providing housing choice, allowing households to get additional income, and reducing the cost of housing by increasing density. While these are admirable goals, experience in other cities shows that ADUs are generally built in more affluent communities, are rarely occupied by families or low-income folks who need housing the most, and have not been successful in helping build wealth and equity for the average homeowner. The cost of building an ADU (estimated at around \$90,000 in Missouri) is a barrier, as is the difficulty in getting a construction loan. The process requires obtaining the proper permits from the city, hiring architects, applying for financing, and running sewer and water connections. During the current period of supply-chain disruption and skyrocketing material costs, construction usually takes between 12 and 18 months. The lag time from breaking ground to receiving first rent check is estimated at nine months. Those adding ADUS may also see an increase in property taxes after the property is assessed with improvements. These barriers mean that it is often only affluent homeowners who can afford to build ADUS.
2. This draft does not spell out what additional city resources would be required to enforce it. In order to evaluate this major change in city policy, we need to understand what resources will be needed to monitor and enforce the new regulations. Only when we know the cost of adding staff and other expenses can we evaluate whether city funds could be used more effectively, for example in a targeted effort to create affordable housing for very low income people, assisting with rehabbing already-existing properties such as six-plexes, or providing assistance to homeowners who need financial assistance to stay in their homes.
3. While some more innovative models for ADU pilot projects are being tried elsewhere, the current Kansas City proposal does not incorporate the lessons that have already been learned in other cities. Durham, North Carolina is using a land trust model of ownership to build ADUS. The Napa Sonoma ADU Center in California is testing the success of helping homeowners who would not otherwise be able to afford construction find funding.
4. Concern about unlicensed short-term rentals in Kansas City is high right now, and there is concern legalizing ADUS could increase absentee ownership and unregulated dwelling units. There is growing concern in some Kansas City neighborhoods about the erosion of neighborhoods based on absentee short-term rental owners and the inability of the city to keep up with unlicensed short-term rentals. We are concerned that allowing ADUS could add to this problem, since many investors are operating short-term rentals without registering them or complying with city codes. The city does not have the staff to keep up

with this growing STR problems, which is of increasing concern to historic neighborhoods. While the draft ordinance would require the owner of the lot to live in either the principal or accessory unit and says that owner must record a deed restriction containing this provision, it offers no plan for regulating this provision or for addition resources to ensure this actually happens.

5. Kansas City neighborhoods are diverse and a one-size-fits-all approach may not work everywhere. One of the goals of the draft ordinance is to increase density. Midtown Kansas City neighborhoods are already the most dense and diverse neighborhoods in the city. Many of these neighborhoods fought to downzone to single-family in the 1970s and 80s, after their homes had been broken up into multiple apartments after WWII and believe single-family zoning has led to a resurgence of owner-occupied homes, owners rehabbing homes that might otherwise have been lost, and the repopulation of Midtown. Additionally, the draft says no additional off-street parking will be required, even though many older homes were built with one-car garages or single car driveways and street parking may be limited.
6. The Historic Preservation Commission should review ADUS proposed for historic districts before they are built. The draft ordinance does not require any review to ensure that the units fit the character of historic neighborhoods, that their visibility from the street is minimized, or that they fit within the fabric of the neighborhood. The new regulations should require: neighborhoods notification before potential builders go before the going Historic Preservation Commission; requirements to minimize visibility from the street; consideration of how the new structure or addition will fit into the fabric of neighborhood; require use of appropriate materials such as windows, doors, detailing, and roofing; require staff level review and approval by Historic Preservation Commission, and develop a set of design guidelines for historic districts.
7. The loss of green space and trees should be weighed against the value of increased density in older neighborhoods. Allowing ADUS in some neighborhoods will require owners to cut down 100-year-old trees, add concrete driveways and destroy habitat for urban wildlife. It should also be noted that existing structures are more "green" than new construction, so more attention to helping maintain and restore existing homes and apartments or reusing buildings as affordable housing may offer more effective solutions to the city's housing problem.

We believe the following items should be addressed before the legislation moves forward:

1. Provisions for the building of ADUS within historic districts.
2. Realistic and enforceable requirements that the primary home or ADU on a lot must be occupied by the owner of the property.
3. Identification of budgetary resources for enforcement of ADU regulations.

Best regards,



Mary Jo Draper
Vice President, Historic Kansas City

Cc: Historic Kansas City Board of Directors